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**VIA CM/ECF**

The Honorable Richard G. Andrews  
U.S. District Court for the District of Delaware  
844 North King Street, Room 6325, Unit 9  
Wilmington, DE 19801-3555

**Re: *In re Sitagliptin Phosphate ('708 & '921) Patent Litigation*, C.A. Nos. 19-md-2902-RGA, 19-311-RGA, 19-312-RGA, 19-313-RGA, 19-314-RGA, 19-317-RGA, 19-318-RGA, 19-319-RGA, 19-347-RGA, 19-1489-RGA, 20-749-RGA, 20-776-RGA, 20-815-RGA, 20-847-RGA, 20-949-RGA, 20-1099-RGA, & 20-1227-RGA**

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Dear Judge Andrews,

We represent Plaintiff Merck, Sharp, Dohme & Co. (“Merck”) in the above-captioned matters. We write to inform you that Merck is requesting that the U.S. Patent & Trademark Office issue a certificate of correction to U.S. Patent No. 7,326,708, to replace the term “characteristic absorption bands . . . at spectral d-spacings” in claims 5–7 with “characteristic diffraction peaks . . . corresponding to d-spacings.” As Your Honor is aware, this term was one of the terms about which the parties had a claim construction dispute, and while the Court has not issued a written Markman ruling, the Court ruled orally that this term, as currently worded, is indefinite. The proposed certificate of correction would fix the claims’ wording error.

Because of the inter partes review proceeding that has been instituted as to other claims, Merck needs leave from the Patent Trial and Appeal Board to request a certificate of correction, and is seeking such leave concurrently with this letter. We will write to apprise the Court if leave is granted.

Respectfully submitted,

/s/ Daniel M. Silver

Daniel M. Silver (#4758)

cc: All Counsel of Record via CM/ECF